

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 22, 2003
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:10 a.m. Mayor Murphy recessed the meeting at 10:50 a.m. to convene the Housing Authority. Mayor Murphy reconvened the regular meeting at 10:50 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 10:51 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 10:59 a.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 11:55 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:10 p.m. with Council Member Inzunza not present. Mayor Murphy adjourned the meeting at 2:51 p.m. into Closed Session immediately thereafter to discuss pending and potential litigation and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
 - (1) Council Member Peters-present
 - (2) Council Member Zucchet-present
 - (3) Council Member Atkins-present
 - (4) Council Member Lewis-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Inzunza-present
- Clerk-Abdelnour/Lane/Maland (ek/er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour/Lane/Maland called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell expressed his viewpoint on the three words "separation, church, and state," that these words were only contained in a private letter written by Thomas Jefferson.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. - 10:17 a.m.)

PUBLIC COMMENT-2: **REFERRED TO THE CITY MANAGER**

Al Strohlein lamented over the host of offenses that Crown Point Shores Park has been subjected to, including the trash and dumped sewage left behind on the property.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. - 10:21 a.m.)

PUBLIC COMMENT-3:

Noel Neudeck commented on the celebration of the 13th anniversary of the ADA.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. - 10:25 a.m.)

PUBLIC COMMENT-4:

Andy Berg expressed his feeling that the Prevailing Wage Court Opinion should be upheld.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. - 10:27 a.m.)

PUBLIC COMMENT-5:

Maggie Valentine commented on some of the building projects undertaken by McMillen Company and the Clark Company.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. - 10:30 a.m.)

PUBLIC COMMENT-6: REFERRED TO THE CITY MANAGER

Cynthia Conger commented concerning the projects for Liberty Station on Rosecrans Street in the area of Litten and Russell Streets.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. - 10:36 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Mayor Murphy recognized members of the City Staff for their SHARQ program, for their innovative ways to provide City services, and the two major awards they have received.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:42 a.m.)

COUNCIL COMMENT-2:

Council Member Atkins recognized and welcomed the recent graduates of the National Conference for Community Injustice.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:43 a.m. - 10:46 a.m.)

COUNCIL COMMENT-3:

Council Member Peters commented that he traveled to Washington, D.C. last week to meet with the San Diego delegation there and sought more funding for Highway 56 to build exit lanes and final connectors leading to Highway 5.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:47 a.m. - 10:48 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

Assistant City Attorney Devaney announced that the Council voted in Executive Session to refrain from seeking appellate review in the case of Torrey Hills Community Coalition v. City of San Diego, Superior Court Case No. GIC-786702. The vote was unanimous 9 to 0 in favor.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:37 a.m.)

ITEM-330: Two actions related to Park Village Maintenance Assessment District.

(Rancho Peñasquitos Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1335) ADOPTED AS RESOLUTION R-298222

Resolution considering the protests, approving modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Park Village Maintenance Assessment District.

Subitem-B: (R-2003-1359 Cor. Copy) ADOPTED AS RESOLUTION R-298223

Resolution approving Fiscal Year 2004 budget for the Park Village Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2004 assessments for Park Village Maintenance Assessment District (District) and bring this district into compliance with Proposition 218. The District is located in the Rancho Peñasquitos Community Planning Area. It was established in February 1985 and was last balloted in 1996. It currently provides maintenance for 89,460 square feet of landscaped medians, 22,360 square feet of hardscaped medians, 764,310 square feet of landscaped right-of-ways, and 41,505 square feet of monuments and focal points. In addition the District maintains 21.74 acres of open space.

For the last several years the District has been over-spending its income, and financing the maintenance of its current service level by spending down its reserve. The District has been unable to raise its assessment to keep pace with the San Diego Regional Consumer Price Index.

On February 19, 2003, the Park Village Maintenance Assessment District Committee voted to ballot the District property owners to: 1) bring the District into compliance with Proposition 218, 2) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$56.90 to \$82.02 in Zone 1; \$9.48 to \$16.86 in Zone 2; and \$56.90 to \$97.59 in Zone 3 in Fiscal Year 2004 and, 3) effective Fiscal Year 2004 authorize an annual increased assessment not to exceed on San Diego CPI-U plus 2%. The purpose is to increase income sufficiently to cover the current service level, maintain a minimum 10% operating reserve, and fund small planting projects and their future maintenance through the assessment of property owners.

Estimated Year-End

<u>DESCRIPTION</u>	<u>FY 2003</u>	<u>FY 2004</u>
BEGINNING BALANCE (Reserve)	\$171,409.00	\$34,910.00
REVENUE:		
Assessments	\$145,995.00	\$234,122.00
Interest	7,000.00	7,880.00
City Contributions	<u>17,028.00</u>	<u>16,972.00</u>
TOTAL REVENUE	\$170,023.00	\$258,974.00
EXPENSE:		
Personnel	\$ 22,681.00	\$ 26,879.00
Contractual	109,000.00	115,783.00
Incidental	*140,781.00	38,539.00
Utilities	<u>34,060.00</u>	<u>52,907.00</u>
TOTAL EXPENSE	\$306,522.00	\$234,108.00
ENDING BALANCE (Reserve)	\$ 34,910.00	\$ 59,776.00

**Includes \$90,000 for median improvements along Black Mountain Road.*

The proposed property owner assessment for Fiscal Year 2004 is \$82.02 per EBU in Zone 1, \$16.86 per EBU in Zone 2, and \$97.59 per EBU in Zone 3. A maximum assessment authorized for the District is \$112.45 per EBU in Zone 1, \$24.06 per EBU in Zone 2, and \$106.83 EBU in Zone 3. The District contains a total of 3,387.32 EBUs, with 1,653.41 EBUs in Zone 1, 875.91 EBUs in Zone 2, and 858.00 EBUs in Zone 3. The District will also increase the Ground Maintenance Manager position from 0.30 in Fiscal Year 2003 to 0.40 in Fiscal Year 2004.

FISCAL IMPACT:

It is proposed that the City will contribute \$16,393 from the Gas Tax Fund 302191: \$16,103 for the maintenance of 89,460 sq. ft. of landscaped medians (\$0.18/sq. ft.) and \$290 for maintenance of 22,360 sq. ft. of hardscape medians (\$0.013/sq. ft.). This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. The City will also contribute \$578.94 from Environmental Growth Fund 10505 for the 21.74 acres of open space (\$26.63 per acre). All other cost are assessed to property owners in the District. The City owns two assessable parcels in the district, both of which are parks, resulting in a General Fund assessment in FY 2004 of \$2,239.

Herring/Oppenheim/AWF

FILE LOCATION: SUBITEMS A & B: STRT-M-384-04 (34)

COUNCIL ACTION: (Time duration: 10:10 a.m. - 10:13 a.m.; 11:40 a.m. - 11:40 a.m.)

Testimony in favor by Carey Whaite.

Mayor Murphy closed the hearing.

MOTION BY PETERS TO CALL AN ELECTION AMONG THE LANDOWNERS.
Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Assistant City Clerk Joyce Lane announced that the election has been conducted according to Assessment Proceedings. Ms. Lane announced that the ballots in favor exceed the ballots in opposition, with a majority vote in favor, and that the proposed assessment has passed. Ms. Lane then certified the results of the election and submitted them to the City Council.

MOTION BY PETERS TO ADOPT THE RESOLUTION TO OVERRULE ANY PROTESTS TO THE LEVY OF THE ASSESSMENT FOR THE MAINTENANCE ASSESSMENT DISTRICT, APPROVE THE ASSESSMENT ENGINEER'S REPORT AND DISTRICT MAP, AND AUTHORIZE THE LEVY OF THE ASSESSMENTS.
Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Three actions related to Liberty Station Maintenance Assessment District.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1244) ADOPTED AS RESOLUTION R-298224

Resolution considering the protests, approving modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Liberty Station Maintenance Assessment District.

Subitem-B: (R-2003-1245) ADOPTED AS RESOLUTION R-298225

Resolution authorizing the City Auditor/Comptroller to establish the Liberty Station Maintenance Assessment District Fund.

Subitem-C: (R-2003-1246) ADOPTED AS RESOLUTION R-298226

Resolution approving Fiscal Year 2004 budget for the Liberty Station Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2004 assessment for the Liberty Station Maintenance Assessment District (District). The District is located in the Peninsula Community Planning Area west of the boat channel in an area bounded by Laning Road, Rosecrans Street, and Lytton Street and east of the boat channel bounded by North Harbor Drive and McCain Road.

The purpose of the District is to fund the maintenance and electrical costs of ornamental light poles and fixtures through assessment of the property owners to provide lighting in public rights-of-way and dedicated easements within the boundaries of the District. All costs beyond the City standard for streetlighting is considered to be Special Benefit; these costs would be assessed to the proposed District. The Fiscal Year 2004 proposed maintenance costs for the District are as follows:

<u>DESCRIPTION</u>	<u>FY 2004</u>
BEGINNING BALANCE (Reserve)	\$ 0.00
REVENUE:	
Assessments	\$ 47,305.00
Interest	<u>393.00</u>
TOTAL REVENUE	\$ 47,698.00
EXPENSE:	
Contractual	\$ 20,989.00
Incidental	\$ 20,014.00
Utilities	\$ <u>6,302.00</u>
TOTAL EXPENSE	\$ 47,305.00
ENDING BALANCE (Reserve)	\$ 393.00

The maximum property owner assessments are proposed as follows: \$62.17/EDU in Zone A, \$17.26/EDU in Zone B, \$5.17/EDU in Zone C, \$1.56/EDU in Zone D, \$0.82/EDU in Zone E, \$16.27/EDU in Zone F, and \$1.92/EDU in Zone G. The maximum assessment will be increased annually by the factor published in the San Diego Urban Consumer Price Index (SDCPI-U). It is estimated that the District will ultimately contain a total of 13,248.88 EDUs: 209.00 EDUs in Zone A, 237.02 EDUs in Zone B, 4,374.90 EDUs in Zone C, 521.63 EDUs in Zone D, 812.50 EDUs in Zone E, 271.91 EDUs in Zone F, and 5,820.92 EDUs in Zone G (which overlaps Zones B and C).

The property owner assessments to be levied for Fiscal Year 2004 are as follows: developed properties in Zones A, B, C and G will be assessed the maximum rates, undeveloped properties will be assessed \$61.05, \$16.99, \$3.15 and \$1.89/EDU, respectively; undeveloped properties in Zones D will be assessed \$0.61/EDU (there are no developed properties anticipated); there will be no costs or assessments in Zone E, and Zone F developed properties will be assessed \$14.69/EDU.

FISCAL IMPACT:

All costs are assessed to the property owners within the District. Several parcels are owned by the City of San Diego or related City entities. The estimated assessment Fiscal Year 2004 annual amounts for these parcels are: General Fund (Fund 100, Dept 601, Org 2600, JO 002600): \$1,313 for a park; Metropolitan Wastewater Department (Fund 41509, Dept 779, OA 4146, JO 191830): \$967 for a laboratory; and Redevelopment Agency (Fund 10530, NTC Leaseholder Special Revenue Fund): \$13,989 for various parcels in the proposed district. Funds will be included in the respective department Fiscal Year 2004 Operating Budgets to cover this cost.

Redevelopment Agency assessments in Fiscal Year 2005 and beyond will be funded through lease payments. All general benefit streetlights proposed for this district would cost \$15,069 and would be paid from the Street Division as part of their Fiscal Year 2004 Operating Budget. All Maintenance Assessment District formation costs were paid by the developer.

Herring/Oppenheim/AWF

FILE LOCATION: SUBITEMS A, B & C: STRT-M-425-04 (34)

COUNCIL ACTION: (Time duration: 10:10 a.m. - 10:14 a.m.;
10:49 a.m. - 10:49 a.m.)

Mayor Murphy closed the hearing.

MOTION BY ZUCCHET TO CALL AN ELECTION AMONG THE LANDOWNERS.
Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea,
Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

City Clerk Charles Abdelnour announced that the election has been conducted according
to Assessment Proceedings. Mr. Abdelnour announced that the ballots in favor exceed the
ballots in opposition, with a majority vote in favor, and that the proposed assessment has
passed. Mr. Abdelnour then certified the results of the election and submitted them to the
City Council.

MOTION BY INZUNZA TO ADOPT THE RESOLUTION TO OVERRULE ANY
PROTESTS TO THE LEVY OF THE ASSESSMENT FOR THE MAINTENANCE
ASSESSMENT DISTRICT, APPROVE THE ASSESSMENT ENGINEER' S REPORT
AND DISTRICT MAP, AND AUTHORIZE THE LEVY OF THE ASSESSMENTS.
Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea,
Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: The Egyptian.

Matter of the appeal by Robert Grinchuk of the decision by the Planning
Commission approving Site Development Permit/Tentative Map for the demolition
of an existing non-historic bank building and partial demolition of the Park
Theater/Bush Egyptian Theater, and to construct a six-story building with 80
condominiums with approximately 8,000-square-foot of ground floor retail use at
3812-3830 Park Blvd.

(See City Manager Report CMR-03-144. Uptown Community Plan Area.
District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the Resolution in subitem A to deny the appeal and to uphold the decision of the Planning Commission, certifying environmental document; and adopt the Resolution in subitem B to grant the permit; and adopt the resolution in subitem C to grant the map:

Subitem-A: (R-2004-) DENIED APPEAL, ADOPTED AS RESOLUTION
R-298227

Adoption of a Resolution granting or denying the appeal, and upholding or overturning the decision of the Planning Commission, certifying Mitigated Negative Declaration No. 5331.

Subitem-B: (R-2004-) GRANTED PERMIT, ADOPTED AS RESOLUTION
R-298228

Adoption of a Resolution granting or denying Site Development Permit No. 012921, with appropriate findings to support Council action.

Subitem-C: (R-2004-) GRANTED MAP, ADOPTED AS RESOLUTION
R-298229

Adoption of a Resolution granting or denying Tentative Map No. 012922, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on May 29, 2003, voted 5-0 to approve; was opposition.

Ayes: Brown, Chase, Garcia, Steele, Ontai

Not present: Schultz

Recusing: Lettieri

The Uptown Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The proposed project site is located at the southwestern corner of the intersection of University Avenue and Park Boulevard in the Hillcrest neighborhood within the Uptown Community Planning Area. The site is zoned mixed use (CN-1 and CN-2). The immediate surroundings

include restaurants/retail stores along Park Boulevard, a bar across Essex Street, apartments/condominiums west across the narrow alley, and retail to the north across University Avenue. Park Boulevard is the physical boundary between the Uptown and North Park Community Planning Area.

The project proposes a mixed use development with approximately 8,000 square feet of commercial space on the ground floor along with a residential lobby and 80 residential units. The proposed structure would be six stories above grade at the north end of the site, along University Avenue, rising to seven stories above grade at the south end of the site, along Essex Street.

The building exterior would include smooth finish stucco with painted finishes, painted aluminum, cast-in-place concrete balconies with powder coated tubular steel railings and a flat built-up roof. In addition, two levels of subterranean parking are proposed. The lowest level of parking takes access at ground-level off the alley to the west, and the upper parking level takes access from Essex Street. The proposed subterranean parking garage includes 17 commercial spaces and 136 residential spaces.

An internal courtyard with landscaping would provide the necessary open space required by the Land Development Code. The project also includes street trees in pedestrian safe tree grates along Park Boulevard, University Avenue and Essex Street. Bike racks, sidewalk ramps (ADA required) and a new bus stop are included in the proposal.

Grading for the subterranean parking garage requires approximately 13,140 cubic feet of excavation which would require implementation of construction-related Best Management Practices (BMPs). Storm water runoff from University Avenue, Park Boulevard and the alley to the west currently is conveyed to the southwest where it enters the City's storm drain system at the closest inlet on the south side of Essex Street. These patterns would not be altered with the proposed development. However, specific BMPs would be implemented to reduce potential water quality impacts.

FISCAL IMPACT:

None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Ewell/Christiansen/PXG

LEGAL DESCRIPTION:

Lots 9-11, 12 and 13, except the south 4 1/2 feet, Block 239, University Heights, Map 1097; that portion of the west 25 feet of Park Boulevard, as closed by public use and vacated by Resolution No. 18061; Lots 1-4, Block 1 of Essex Place; the south 4 1/2 feet of Lot 13, Block 239 of University Heights, Map 1151; and that portion of the west 25 feet of Park Boulevard adjoining said property on the east, as closed and vacated.

FILE LOCATION: SUBITEMS A, B & C: LUP-Egyptian 72203 (65)

COUNCIL ACTION: (Time duration: 11:05 a.m. - 11:39 a.m.)

Testimony in opposition by Robert Grinchuk.

Testimony in favor by Rich Gustafson, David Watson and Brent Fortune.

MOTION BY ATKINS TO ADOPT, DENYING THE APPEAL, GRANTING THE PERMIT, AND GRANTING THE MAP. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Seven actions related to Fire Stations #1, #2, #12, #22, #29 and #31, and South Pacific Beach Lifeguard Tower and Grand Avenue Restrooms Improvements Project Update.

(See City Manager Report CMR-03-101 Rev.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-1463) ADOPTED, AS AMENDED, AS RESOLUTION R-298234

Approving the changes to the scope of the improvements for the individual Fire and Lifeguard facilities as described in City Manager's Report;

Directing the City Manager to move forward at this time with only the facilities identified in the Fire Facilities Financing Plan that can be completed within the previously approved \$45.2 million Project budget, thus deferring four Fire and three Lifeguard facilities, as recommended by the City Manager in the City Manager's Report;

Postponing the decision regarding the allocation of additional funding for the deferred improvements for the four Fire and three Lifeguard facilities until the impacts of the state budgets are known and can be assessed by the City Manager, at which time the City Manager is directed to return with a report on the Fire and Lifeguard Facilities Project progress and a recommendation regarding an increase in the overall Project budget;

Authorizing the City Manager to transfer an amount not to exceed \$225,000 from Mission Valley/Serra Mesa Park Service District Fees, Fund 11390, into CIP-33-090.0, Fire Station No. 2 Mission Valley, for construction of the mini-park, thus increasing the total budget for the Fire and Lifeguard Facilities Project to \$45.4 million;

Authorizing the expenditure of an amount not to exceed \$225,000 from CIP-33-090.0, Fire Station No. 2 Mission Valley, for the purpose of construction of the mini-park;

Authorizing the City Auditor and Comptroller to accept an amount not to exceed \$400,000 in state grant funds for CIP-33-102.0, Fire Station No. 22 - Point Loma, Fund No. 30380, State Grant Fund, for the purpose of constructing a new Fire Station No. 22 in Point Loma;

Authorizing the appropriation and expenditure of an amount not to exceed \$400,000 from CIP-33-102.0, Fire Station No. 22 - Point Loma, Fund No. 30380, State Grant Fund, for the purpose of providing funds for constructing a new Fire Station No. 22 in Point Loma.

Subitem-B: (R-2003-1443) ADOPTED, AS AMENDED, AS RESOLUTION R-298235

Authorizing the City Manager to execute a phase funded consultant agreement with Vasquez + Marshall & Associates (Agreement) in an amount not to exceed \$288,625 from CIP-33-093.0, Fire Station No. 1, for architectural services for Fire Station No. 1;

Authorizing the expenditure of an amount not to exceed \$109,000 for Phase I of the Agreement and amount not to exceed \$179,625 for Phase II of the Agreement, for the purpose of providing consultant services for Fire Station No. 1, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-C: (R-2003-1458) ADOPTED, AS AMENDED, AS RESOLUTION R-298236

Approving the plans and specifications for the construction of CIP-33-081.0, Fire Station No. 12 in Lincoln Park (Project);

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$2,743,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-D: (R-2003-1460) ADOPTED, AS AMENDED, AS RESOLUTION R-298237

Approving the plans and specifications for the construction of CIP-33-103.0, Fire Station No. 29 in San Ysidro (Project);

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$2,741,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-E: (R-2003-1461) ADOPTED, AS AMENDED, AS RESOLUTION R-298238

Approving the plans and specifications for the construction of CIP-33-088.0, Fire Station No. 31 in Del Cerro (Project);

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$1,904,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-F: (R-2003-1462) ADOPTED, AS AMENDED, AS RESOLUTION R-298239

Approving the plans and specifications for the construction of CIP-29-473.0, South Pacific Beach Lifeguard Tower and Grand Avenue Restrooms (Project);

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$2,636,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the installation of angled parking spaces on the following streets pursuant to San Diego Municipal Code Section 86.03: 1) the south side of Garnet Avenue, west of Mission Boulevard; 2) the north side of Hornblend Street, between Dawes Street and Cass Street; and 3) the east side of Cass Street, from Reed Avenue to the alley north of Thomas Avenue;

Authorizing the installation of the necessary signs and markings to be made on said streets;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-G: (R-2003-1465) ADOPTED AS RESOLUTION R-298240

Certifying that Mitigated Negative Declaration LDR-42-0631, Project No. 4441, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of the construction of CIP-33-103.0, Fire Station No. 29;

Approving Mitigated Negative Declaration LDR-42-0631, Project No. 4441;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the project.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 5/14/2003, PS&NS voted 3 to 0 to forward the item directly to the City Council without a hearing. (Councilmembers Atkins, Maienschein and Frye voted yea. Councilmembers Zucchet and Lewis not present.)

Aud. Cert. 2301218.

FILE LOCATION:

SUBITEMS A, B, C, D, E, F & G:
W.O. 330810/331030/330880/294730

COUNCIL ACTION:

(Time duration: 11:41 a.m. - 11:54 a.m.; 2:11 p.m. - 2:51 p.m.)

MOTION BY ZUCCHET TO REJECT THE CITY MANAGER'S RECOMMENDATION AND ADOPT ALTERNATIVE 1, FUNDING OF THE ENTIRE ORIGINAL LIST OF FIRE FACILITIES (DEL CERRO, LINCOLN PARK, SAN YSIDRO, MISSION VALLEY, HILLCREST, POINT LOMA, DOWNTOWN, SKYLINE, PARADISE HILLS, MID-CITY AND A LIMITED AMOUNT OF FUNDING FOR THE KEARNEY VILLA REPAIR FACILITY) AT THEIR REVISED SCOPE AND INCREASED COSTS WHICH WOULD RESULT IN THE FIRE PORTION OF THE PROJECT TOTAL TOTALING \$47 MILLION. APPROVE THE LIMITED LIST OF LIFEGUARD FACILITIES AT THE ORIGINAL LEVEL OF FUNDING OF \$10.9 MILLION. ADVANCE FIRE STATION 28 AND FIRE STATION 39 INTO BONDING STATUS AS SOON AS SOME ADDITIONAL GENERAL FUND DOLLARS ARE IDENTIFIED. RETURN THE ANGLED PARKING PORTION OF SUBITEM F TO THE CITY MANAGER FOR FURTHER REVIEW. DIRECT THE CITY MANAGER TO: 1) HAVE A BONDING PROGRAM BY THE END OF FISCAL YEAR '04; 2) LOOK AT UTILIZING SOLAR ENERGY FOR THOSE FACILITIES WHERE IT IS POSSIBLE TO DO SO WITHOUT INCREASING THE COST OF THE FACILITIES; and 3) PROVIDE A STATUS REPORT ON A QUARTERLY BASIS TO THE PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE ON THE PROGRESS OF THE FIRE AND SAFETY FACILITIES. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Fiscal Year 2004 Appropriation Ordinance.

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2004-08) INTRODUCED AND ADOPTED AS ORDINANCE O-19201
(New Series)

Introduction and adoption of an Ordinance adopting the Annual Budget for the Fiscal Year 2003-04 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year.

NOTE: Today's action is the second public hearing and introduction and adoption of the Ordinance. See Item 201 on the docket of Monday, July 21, 2003 for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:50 a.m. - 10:50 a.m.)

MOTION BY MAIENSCHIN TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-335: Cabrillo Heights Parcel Maps.

(Serra Mesa Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-78) ADOPTED AS RESOLUTION R-298230

Resolution approving Project No. 4901 (Parcel Map), including the vacation of general utility and access easements, and public right-of-way.

Subitem-B: (R-2004-79) ADOPTED AS RESOLUTION R-298231

Resolution approving Project No. 5124 (Parcel Map), including the vacation of general utility and access easements, and public right-of-way.

Subitem-C: (R-2004-80) ADOPTED AS RESOLUTION R-298232

Resolution approving Project No. 5277 (Parcel Map), including the vacation of general utility and access easements, and public right-of-way.

Subitem-D: (R-2004-81) ADOPTED AS RESOLUTION R-298233

Resolution approving Project No. 5970 (Parcel Map), including the vacation of general utility and access easements, and public right-of-way.

OTHER RECOMMENDATIONS:

On November 21, 2002, the Serra Mesa Community Planning Group voted 9-0-0 to recommend approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

This project includes four (4) parcel maps which propose the lot line adjustment and lot consolidation of property owned by the United States Navy for residential development. The parcel maps require City Council approval because streets and public easements are being vacated on the maps. The combined total area of the 4 parcel maps is approximately 105 acres. The project site is located south of Hurlbut Street, east of Highway 805, north of the un-named alley that is south of Larkdale, and west of the un-named alley that is east of Murray Ridge Road in the Serra Mesa Community Plan Area. The parcel maps would vacate portions of Larkdale Avenue, Larkdale Place, Krenz Street, Afton Road, Jordan Street, Jordan Place, Hurlbut Street, Iverson Street, a small portion of Sandrock Road, and 2 un-named alleys. The Parcel Maps are identified as follows:

Project No. 4901; Parcel Map 1; 13.963 acres; 7 parcels;
Project No. 5124; Parcel Map 2; 41.041 acres; 21 parcels;
Project No. 5277; Parcel Map 3; 22.534 acres; 15 parcels;
Project No. 5970; Parcel Map 4; 27.758 acres; 12 parcels.

The parcel maps and street and easement vacations are proposed to allow redevelopment of the existing U.S. Navy housing development. In process currently is the demolition of 812 housing units. The proposed parcel maps will allow construction of 900 new housing units for military personnel.

The existing general utility and access easements and street dedications were granted on Parcel Map No. 2839 and are no longer necessary for the planned development, and are therefore being vacated at no cost to the City. New general utility and access easements are being granted on the maps to accommodate the new utility locations, along with new street dedications.

TRAFFIC IMPACT:

The proposed Cabrillo Heights Navy Housing project is estimated to generate an additional 704 average daily trips. The proposed project would maintain similar roadway connections to the existing community. The potential increase in average daily trips would not be significant to the surrounding street network.

FISCAL IMPACT:

None. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Ewell/Christiansen/VLG

FILE LOCATION: SUBITEMS A, B, C & D: DEED F-9561

COUNCIL ACTION: (Time duration: 10:59 a.m. - 11:04 a.m.)

MOTION BY FRYE TO ADOPT. Second by Zucchet. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 2:51 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:51 p.m.)